

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|--|---|--------------------------------|
| Robert Bruce Trey Hubbard, |) | Civil Action No. 0:14-2910-BHH |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| Spartanburg County Detention Facility; LT. |) | |
| M. Jones; D-3 Deputy T. Hadden; SGT W. |) | |
| Church; Maj. Neal Urch; SGT K. Ashley; |) | |
| Capt. Hollifield; 1st SGT L. Pilgrim; Cpl. M. |) | |
| Higgins; Chaplain Ken Apple; Mr. Bianco, |) | |
| <i>Medical Doctor</i> ; Lt. Hayes; and Cpl. L. |) | |
| Blackwell, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Robert Bruce Trey Hubbard (“the plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this civil action pursuant to 42 U.S.C. § 1983 seeking monetary damages and injunctive relief for the defendants’ alleged constitutional violations. (ECF. No. 1.)

In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina, this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The matter is now before this Court for review of the Report and Recommendation (“Report”) issued by the Magistrate Judge on January 15, 2015. (ECF No. 48.) The plaintiff filed objections on January 30, 2015. (ECF No. 54.) The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter and the court incorporates them without recitation.

BACKGROUND

The plaintiff filed this action against the defendants alleging *inter alia* that he has been denied mail, property, religious services, a grievance process, attorney phone calls,

access to a law library, legal copies and adequate food portions. In her Report, the Magistrate Judge recommends that the plaintiff's claim associated with the denial of a grievance process be dismissed. She also recommends the case be dismissed *without prejudice* and without issuance and service of process against the defendants Spartanburg County Detention Facility, LT. M. Jones, Maj. Neal Urch, and Capt. Hollifield. (ECF No. 48.) On February 18, 2015, the plaintiff filed an untitled document which the Court liberally construes as objections to the Report and Recommendation. (ECF No. 54.)

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

DISCUSSION

The plaintiff objects to the dismissal of the defendants Spartanburg County Detention Facility, Lt. M. Jones, Maj. Neal Urch and Capt. Hollifield from this case. After a careful review of the plaintiff's objections, it is fair to say that the plaintiff does not make any specific objections to the Report and Recommendation. Rather, the plaintiff's response to the Report and Recommendation merely copies portions of the United States Constitution, case law, and other documents. These authorities do not direct the court to any error in the Magistrate Judge's analysis.

Out of an abundance of caution, the Court has carefully reviewed the plaintiff's objections and has made a *de novo* review of the entire Report and Recommendation and finds that the Magistrate Judge fairly and accurately summarized the facts and applied the correct principles of law. Upon review, the Court finds the plaintiff's objections have no merit and are hereby overruled.

CONCLUSION

For the reasons stated above and by the Magistrate Judge, the court overrules the plaintiff's objections and adopts and incorporates by reference the Magistrate Judge's Report and Recommendation. Accordingly, the Report and Recommendation is incorporated herein by reference. It is, therefore

ORDERED that the defendants Spartanburg County Detention Facility, LT. M. Jones, Maj. Neal Urch, and Capt. Hollifield are dismissed from this case without prejudice and without issuance and service of process. It is further

ORDERED that Plaintiff's motion for a preliminary injunction is terminated as moot.
(ECF No. 20.)

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

April 15, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.